

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN MORONTA,

Plaintiff,

-against-

NUM PANG SANDWICH SHOP,

Defendant.
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Case No.: 17 Civ. 8119 (RWS)
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: **[PROPOSED] JOINT**
: **DISCOVERY PLAN REPORT**
: **PURSUANT TO**
: **FED. R. CIV. P. 26(F)**
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Pursuant to Federal Rule of Civil Procedure 26(f), during a conference on April 24, 2018, between counsel for the Plaintiff, Juan Moronta (“Plaintiff”), and counsel for the Defendant, 128 for 64 Hospitality LLC (s/h/a “Num Pang Sandwich Shop”) (“Defendant”), counsel for the parties discussed and agreed to the following discovery plan:

1. The parties have already exchanged initial disclosures required pursuant to the Initial Discovery Protocols for Fair Labor Standards Act Cases Not Pleaded As Collective Actions (“Initial Discovery Protocols”); provided, however, that Plaintiff anticipates serving Defendant with Plaintiff’s calculation of damages in this case within the next business day from the date hereof.

2. Both Plaintiff and Defendant shall serve their first request for production of documents, pursuant to Federal Rule of Civil Procedure 34, no later than May 15, 2018.

(a) With respect to electronically stored information (“ESI”), Defendant anticipates requesting the production of text messages, phone records, electronic messages and e-mail communications, and social media communications that: (i) concern Plaintiff’s job responsibilities, and/or (ii) tend to substantiate or disprove Plaintiff’s hours of work.

3. Both Plaintiff and Defendant shall serve their notices of deposition, pursuant to Federal Rule of Civil Procedure 30, no later than May 15, 2018. At this time, Plaintiff anticipates deposing Juan Navarro and Aaron Chin. At this time, Defendant anticipates deposing the Plaintiff, Juan Moronta.

4. Depositions of the parties shall commence after July 2, 2018, at mutually convenient dates and times, without prejudice to either party conducting a non-party deposition beforehand at a mutually convenient date, time and place.

5. Both Plaintiff and Defendant shall serve subpoenas upon any third party witnesses no later than July 30, 2018, seeking the production of documents and/or depositions.

6. At this time, neither party anticipates calling expert witnesses for this case.

7. All discovery shall be complete by September 30, 2018.

Dated: New York, New York
April 24, 2018

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SO ORDERED.

Dated: New York, New York

Robert W. Sweet
United States District Judge